

Appln. No. 10/081,774
Amendment dated Sep. 23, 2004
Reply to Office Action of June 23, 2004
Docket No. BOCI-2001-0002 (238)

REMARKS/ARGUMENTS

These remarks are made in response to the Office Action of June 18, 2004 (Office Action). As this response is timely filed within the three-month shortened statutory period, no fee is believed due.

As an initial matter, Applicants wish to thank the Examiner for his thorough examination of the Application. Applicants have amended the Specification to correct a minor typographical error. Applicants also have amended independent Claims 1 and 11 to further clarify certain aspects of Applicants' invention. These amendments are fully supported in the Specification. No new matter has been added by virtue of these amendments.

Prior to addressing the Examiner's rejections, it may be useful to summarize aspects of Applicants' invention. The invention is directed to message delivery comprising the registering of a plurality of reception states that specify conditions for establishing communications links via at least one alternate communication channel. An alternate communication channel is different than the communication channel associated with a first initiated communication link between a sending party and receiving party. The message delivery further includes identifying a receiving party address from the first initiated communication link, determining reception state data specified by the plurality of reception states according to the receiving party address, and presenting the reception state data to the sending party.

The Examiner has rejected each of the claims under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,436,963 to Fitzgerald et al. (Fitzgerald) in view of U.S. Patent 6,631,136 to Adams et al. (Adams). Fitzpatrick discloses a method and data system for processing incoming telephone calls. In response to an incoming call, the Fitzpatrick system searches a database for information describing the scheduled location of the party called, and, at the caller's election, the call may be directed to another telephone number. Adams discloses a system and method for implementing and accessing telecommunications services using a graphical user interface (GUI) and an interactive voice response (IVR)

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system. The Adams system enables one to schedule and modify call forwarding information.

Fitzpatrick, singly and in combination with Adams, fails to disclose each feature of Applicants' invention. As the Examiner correctly points out at page 1 of the Office Action, Fitzpatrick provides a telephony-based call forwarding system, and Adams extends Fitzpatrick by providing a network accessible call forwarding service able to handle multiple users. However, neither Fitzpatrick nor Adams, teaches or suggests, for example, registering a plurality of reception states for a receiving party, whereby the reception states specify conditions for establishing communications links via at least one alternate communications channel, as with Applicants' invention. Accordingly, neither Fitzpatrick nor Adams contemplate providing anything approximate to Applicant's invention's reception states that enable a sending party to identify an alternate communications channel through which the receiving party may be reached.

As expressly described throughout Applicants' Specification, each communication channel comprises a different communications medium utilizing a different communications protocol. (See especially Applicants' Specification, p. 6, lines 21-26; See also, p. 3, lines 23-29; p. 7, lines 22-29; p. 8, lines 13-21; p. 9, lines 12-20; p. 11, lines 19-24.) One communications channel comprises a public switched telephone network (PSTN) voice channel. Another comprises a voice-over-IP (VoIP) channel. Still another comprises a wireless voice channel. Other alternate communication channels include channel mediums for instant messaging, electronic mail, text messaging, and paging.

Accordingly, the registering of a plurality of reception states that specify conditions for establishing communications links facilitates a call-initiator's, or sending party's, making a more informed decision as to how to proceed whenever a receiving party can not be reached via a first-initiated communications link. Since a communications link is a particular connection carried by a particular communication channel – be it a circuit-switched channel such as a PSTN voice channel, a packet-switched data channel, or any of the other various channel mediums described – the sending party is not merely being provided an option of proceeding via a different link over the same channel as with the

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Fitzpatrick's and Adams' call forwarding systems. Instead, with Applicants' invention, the sending party is informed as to how to proceed via a wholly alternative communications channel.

More particularly regarding Applicants' invention, reception state data allows a receiving party to specify a particular communications channel that is to be used during a specified time period. Accordingly, the message to be delivered according to Applicants' invention can be directed to a different telephone number, to an electronic mail address, or other site via any of a variety of alternate communications channel. (See, e.g., Applicants' Specification, p. 7, lines 14-21.) Reception data can further be used to categorize different communications into various classes with Applicants' invention.

As pointed out above, the Examiner has correctly noted that Fitzpatrick and the Adams' extension thereof pertain to call forwarding techniques, which are described in both references strictly in terms of telephony-based communications between a sending and receiving party. Nowhere does either reference teach or suggest facilitating communications via alternate communications channel wherein each communications channel comprises a different medium. Indeed, as already noted, neither reference even contemplates the reception data needed to direct a caller or sending party to an alternate communications channel.

Applicants respectfully submit that in equating Applicants' invention with the hypothetical call forwarding system of Fitzpatrick in view of Adams, the Examiner has overlooked key features of Applicants' invention, including, for example, the registering of a plurality of reception states that specify conditions for establishing communications links via at least one alternate communications channel as recited in independent Claims 1 and 11, as amended. These features are not found in either Fitzpatrick or Adams, either singly and in combination with one another. It follows, therefore, that the prior art fails to disclose each feature of Applicants' invention.

Applicants respectfully assert that whereas Fitzpatrick and Adams, singly and in combination, each fail to disclose or suggest every feature recited in independent Claims 1 and 11, neither provides a basis for obviousness under 35 U.S.C. § 103(a). Applicants,


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therefore, respectfully request that the rejection of the claims be withdrawn. Each of the dependent claims recite yet additional features and thus are also not rendered obvious by the prior art. Applicants thus also respectfully request that the rejections of these claims likewise be withdrawn.

In light of the above remarks, the 35 U.S.C. § 103(a) rejections to claims 1-26 should be withdrawn, which action is respectfully requested. Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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